GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:872
ANSWERED ON:17.08.2007
INCREASE IN THE STRENGTH OF JUDGES IN THE SUPREME COURT AND HIGH COURTS
Reddy Shri Mekapati Rajamohan

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Government proposes to increase the Strength of judges in High Courts and Supreme Court in order to clear the pending cases in these courts;

(b) if so, the details thereof; and

(c) the criteria adopted by the Government for increasing the strength of judges in Supreme Court and High Courts?

Answer

MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHAKDWAJ)

(a), (b) & (c) A statement is enclosed.

Statement referred to in reply to parts (a), (b) and (c) of the Lok Sabha Unstarred Question No. 872 for answer on 17.8.2007

In pursuance of the judgment of the Supreme Court of October 6, 1993 in the Supreme Court Advocates on Record & Anrs. vs. the Union of India, the judge strength of the High Courts is reviewed every three years.

1.1 As per the guidelines, the required strength of permanent Judges in a High Court is worked out by dividing the average institution of main cases during the last five years by the national average or the average rate of disposal of main cases per Judge per year in that High Court, whichever is higher. If the disposal per Judge in the concerned High Court is below even the national average then instead of increasing the strength, the concerned High Court is required to take steps for improvement in the rate of disposal of cases. If the average disposal of concerned High Court is above the national average then increase in Judge strength is accordingly considered.

1.2 The High Courts are also sanctioned Additional Judges to clear the cases pending over two years. The required strength of Additional judges in a High Court is worked out by dividing the number of main cases pending over two years by the national average or the average rate of disposal of main cases per Judge per year in that High Court, whichever is higher. The strength of Additional Judges is reviewed only if there is an increase in the arrears of the pending cases during the last 5 years and the disposal per Judge is above the national average.

2. As a result of a triennial review in the year 2006, 106 posts of Judges, subject to concurrence of the respective State Governments, have been approved in various High Courts as per details given below:

(i) Allahabad 65 Judges
(ii) Andhra Pradesh 27 Judges
(iii) Calcutta 08 Judges
(iv) Delhi 01 Judge
(v) Karnataka 01 Judge
(vi) Kerala 01 Judge
(vii) Punjab & Haryana 02 Judges
(viii) Madhya Pradesh 01 Judge

3. There is no criteria for fixing the judge strength of the Supreme Court. The judge strength of the Supreme Court is reviewed in consultation with the Chief Justice of India in terms of The Supreme Court (Number of Judges) Act, 1956, keeping in view number of cases pending and disposal. The Supreme Court (Number of Judges) Act, 1956 was last amended in 1956 to provide for 25 judges, excluding the Chief Justice of India.